

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Barry Gregory Vail

Docket No. 0650 3:12CR00165 - 2

Petition for Action on Conditions of Pretrial Release

COMES NOW Maria K Johnson, PRETRIAL SERVICES OFFICER
presenting an official report upon the conduct of defendant Barry Gregory Vail
who was placed under pretrial release supervision by the Honorable John S. Bryant, U.S. Magistrate Judge
sitting in the Court at Nashville, Tennessee, on May 20, 2013, under the following
conditions: Please reference the attached Order Setting Conditions of Release.

Respectfully presenting petition for action of Court and for cause as follows:
Please reference page two of this document.

I declare under penalty of perjury that the foregoing is true and correct.

Maria K Johnson Nashville, TN July 5, 2013
U.S. Pretrial Services Officer Place: Date:
Next Scheduled Court Event Sentencing Hearing August 19, 2013
Event Date

PETITIONING THE COURT

- | | |
|---|--|
| <input checked="" type="checkbox"/> No Action | <input type="checkbox"/> To issue an order setting a hearing on the petition |
| <input type="checkbox"/> To Issue a Warrant | <input type="checkbox"/> Other |

THE COURT ORDERS:

- ☒ No Action as recommended by [signature] ☐ A Hearing on the Petition is set for
☐ The Issuance of a Warrant.
☐ Sealed Pending Warrant Execution
(cc: U.S. Probation and U.S. Marshals only) Date _____ Time _____
☐ Other

Considered and ordered this 8th day
of July, 2013, and ordered filed
and made a part of the records in the above
case.

[Signature]
Honorable William J. Haynes, Jr.
Chief U.S. District Judge

Honorable William J. Haynes, Jr.
Chief U.S. District Judge
RE: Petition for Action On
Barry Vail
3:12CR00165-002
June 5, 2013

On May 20, 2013, Barry Vail was released by the Honorable John S. Bryant, U.S. Magistrate Judge, on his Personal Recognizance and pretrial services supervision with conditions. He has since been supervised by the United States Probation and Pretrial Services Office in the Middle District of Tennessee.

Special Conditions of Pretrial Release:

Please reference the attached Order Setting Conditions of Release.

Violation(s):

Special Condition (13): Not unlawfully possess a narcotic drug or other controlled substance. On May 21, 2013, May 23, 2013, and June 3, 2013, the defendant submitted urine screens that tested positive for marijuana.

Probation Officer's Actions:

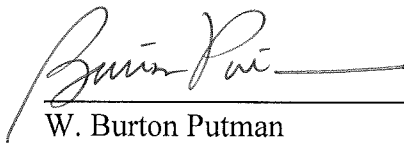
On the date of the first urinalysis testing, the defendant admitted that he smoked marijuana prior to his arrest. As a result of the positive screen, the defendant was placed in the Code-A-Phone drug testing program within the U.S. Probation Office. The defendant advised that he had not used since his release from custody. The most recent urine screen submitted by the defendant on June 25, 2013, indicated negative results.

Respectfully Petitioning the Court as Follows:

This was the defendant's first series of urine screens since his release on bond. It appears that the specimens submitted may have been residual effects from use prior to his arrest. It is respectfully recommended that no action be taken by the Court at this time. Should the defendant continue to test positive for drugs, then he will be referred for drug treatment.

Honorable William J. Haynes, Jr.
Chief U.S. District Judge
William J. Haynes, Jr.
RE: Petition for Action On
Barry Vail
3:12CR00165-002
June 5, 2013

Approved by:



W. Burton Putman
Supervisory U.S. Probation Officer

xc: Alex Little, Assistant U.S. Attorney
James Kevin Cartwright, CJA Panel Attorney

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
v.)
)
BARRY GREGORY VAIL)

No. 3:12-cr-00165

The Honorable John S. Bryant
U.S. Magistrate Judge

~~PROPOSED JOINT~~ ORDER OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. Attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed. The defendant must appear at [to be notified].

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community,

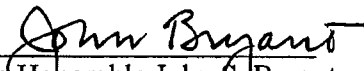
IT IS FURTHER ORDERED that the defendant's release is subject to the following conditions:

The defendant must:

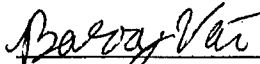
- (5) report to the Pretrial Services Office as directed;
- (6) stay away from and have no contact, either directly or indirectly, with any codefendants or any persons who are or may become a victim or potential witness in the subject investigation or prosecution, including any family member of the alleged victims, except contacts made by defense counsel in preparing for this case; *except for Danielle Smith regarding family matters;*
- (7) surrender passport to Pretrial Services;
- (8) obtain no new passport;
- (9) maintain or actively seek employment

gfb
Mc B.V. M

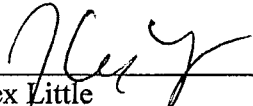
- JHC
without JAB B.V. JAC
- (10) not travel outside the Middle District of Tennessee ~~with~~ prior permission of Pretrial Services Officer;
 - (11) refrain from possessing a firearm, destructive device, or other dangerous weapons;
 - (12) refrain from excessive use of alcohol;
 - (13) not use or unlawfully possess a narcotic drug or other controlled substance;
 - (14) submit to any method of testing required by the pretrial services officer or supervising officer for determining whether the defendant is using a prohibited substance;
 - (15) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is required as a condition of release;
 - (16) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services officer or supervising officer;
 - (17) notify the Pretrial Services Officer within 48 hours of any law enforcement contact;
 - (18) permit a Pretrial Services Officer to visit his at home or elsewhere at any time, and allow the pretrial services officer to confiscate any contraband observed in plain view.


The Honorable John S. Bryant
U.S. Magistrate Judge

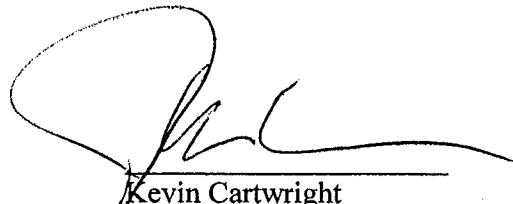
Acknowledged by:


Barry Vail
Defendant

Submitted by:



J. Alex Little
Counsel for the United States



Kevin Cartwright
Counsel for Barry Vail